



## MINUTES

# ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 16 March 2020

### Present

Lord Mayor – Councillor Gordon Bradbery AM (in the Chair)  
Deputy Lord Mayor – Councillor Tania Brown  
Councillor Ann Martin  
Councillor Cameron Walters  
Councillor Cath Blakey  
Councillor David Brown  
Councillor Dom Figliomeni  
Councillor Janice Kershaw

Councillor Jenelle Rimmer  
Councillor John Dorahy  
Councillor Leigh Colacino  
Councillor Mithra Cox

### In Attendance

General Manager  
Director Infrastructure + Works, Connectivity Assets + Liveable City  
Director Planning + Environment, Future City and Neighbourhoods  
Director Corporate Services, Connected + Engaged City  
Director Community Services, Creative + Innovative City  
Manager Governance + Customer Service  
Chief Financial Officer  
Manager Property + Recreation (Acting)  
Manager City Strategy  
Manager City Works (Acting)  
Manager Infrastructure Strategy + Planning (Acting)  
Manager Open Space + Environmental Services

Greg Doyle  
Andrew Carfield  
Linda Davis  
Renee Campbell  
Kerry Hunt  
Todd Hopwood  
Brian Jenkins  
Lucielle Power  
Chris Stewart  
Corey Stoneham  
Mark Roebuck  
Joanne Page

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## CONFLICTS OF INTERESTS

Councillor Bradbery declared a non-pecuniary, non-significant conflict of interest in Item 1 – Post Exhibition - Draft Cringila Hills Recreation Master Plan - Stage 1. After reviewing the scope of the project and the Master Plan, Councillor Bradbery noted that there was no alteration or variation to land use or zoning and the major focus of the infrastructure activity and spending is over one kilometre from where he lives. Therefore Councillor Bradbery advised he would remain in the chamber for debate and voting on this item.

## CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 24 FEBRUARY 2020

**351 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the Minutes of the Ordinary Meeting of Council held on Monday, 24 February 2020 (a copy having been circulated to Councillors) be taken as read and confirmed.

## PETITION – FUNDING OF SKATE PARK THROUGH PORT KEMBLA COMMUNITY INVESTMENT FUND (PKCIF)

Councillor Figliomeni presented a petition containing 154 signatures from residents regarding support for the creation of a skate park, to be funded through the Port Kembla Community Investment Fund (PKCIF) in line with suggestions made in the 2505 Revitalisation Plan.

## PUBLIC ACCESS FORUM

ITEM	TITLE	NAME OF SPEAKER
1	Post Exhibition - Draft Cringila Hills Recreation Master Plan - Stage 1	Simon Kersten Illawarra Cycle Club For Recommendation
1	Post Exhibition - Draft Cringila Hills Recreation Master Plan - Stage 1	Emma Rooksby Illawarra Escarpment Alliance For Recommendation
2	Public Exhibition of Draft Housing and Affordable Housing Options Paper	Keiran Thomas Urban Development Institute of Australia (NSW) For Recommendation
5	Cities Power Partnership Pledges	Gregory Knight For Recommendation

**352 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Colacino that all speakers be thanked for their presentation and invited to table their notes.

## CALL OF THE AGENDA

**353 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that the staff recommendations for Items 3, 4, then 6 to 16 inclusive be adopted as a block.

## SUSPENSION OF STANDING ORDERS

- 354 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Cox that the order of debate be items A, B, 1, 2, 5, C, followed by any urgency items.

### ITEM A - LORD MAYORAL MINUTE - CONDOLENCE MOTION FOR COUNCILLOR VICKY KING

- 355 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that Wollongong City Council acknowledges the service and contribution that Councillor Vicky King gave to the City of Wollongong over 19 years as a Councillor.

At this stage Councillor Walters declared a non-significant, non-pecuniary conflict of interest in Item B – Lord Mayoral Minute - NGA Motion - Mitigating Damage to Assets from Installation and Maintenance of Utilities and Item 5 – Cities Power Partnership Pledges, as he is employed by the NSW state provider of Transmission. Councillor Walters advised he would remain in the chamber for debate and voting on these items.

### ITEM B - LORD MAYORAL MINUTE - NGA MOTION - MITIGATING DAMAGE TO ASSETS FROM INSTALLATION AND MAINTENANCE OF UTILITIES

- 356 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that Wollongong City Council endorse the following submission to the 2020 National General Assembly of Local Government (NGA):

That the National General Assembly of Local Government calls on the Commonwealth Government  
to -

- 1 Liaise with state and territory Governments to recognise the need for coordination of services and utilities to mitigate damage to community assets such as roads, footpaths and cycleways.
- 2 Amend legislation accordingly to mitigate costs on local government arising from the installation and maintenance of services and utilities.
- 3 When works have been completed, reinstatement works must be to a like-for-like standard.

*Variation The variation moved by Councillor Colacino (the addition of Point 3) was accepted by the mover.*

## DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 1, Councillor D Brown departed and returned to the meeting, the time being from 7:33 pm to 7:35 pm.

During debate and prior to voting on Item 1, Councillor Cox departed and returned to the meeting, the time being from 7:36 pm to 7:37 pm.

## ITEM 1 - POST EXHIBITION - DRAFT CRINGILA HILLS RECREATION MASTER PLAN - STAGE 1

**357 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Martin seconded Councillor Walters that -

- 1 The Cringila Hills Recreation Master Plan be adopted.
- 2 The implementation summary be noted.
- 3 An initial vegetation assessment be undertaken early enough and in conjunction with the track design to inform the design of the track network.
- 4 A briefing be provided regarding the establishment of a criterium track, subject to financial and other resources being available, and there being no delay in the delivery of the planned implementation.

*Variation The variation moved by Councillor Cox (the addition of Point 3) was accepted by the mover and seconder.*

*The variation moved by Councillor Figliomeni (the addition of Point 4) was accepted by the mover and seconder.*

*The variation moved by Councillor T Brown (the addition of the words "A briefing be provided" in Point 4) was accepted by the mover and seconder.*

An AMENDMENT was MOVED by Councillor Figliomeni seconded Councillor Dorahy that -

- 1 The Cringila Hills Recreation Master Plan be adopted.
- 2 The implementation summary be noted.
- 3 Consideration be given to the establishment of a criterium track, subject to financial and other resources being available, and there being no delay in the delivery of the planned implementation.

The AMENDMENT was NOT PUT as the mover and seconder of the original motion agreed to accept the amendment as a variation to the motion.

### DEPARTURE OF COUNCILLOR

During debate and prior to voting on Item 2, Councillor Walters departed and returned to the meeting, the time being from 8:14 pm to 8:17 pm.

During debate and prior to voting on Item 2, Councillor Rimmer departed and returned to the meeting, the time being from 8:31 pm to 8:33 pm.

During debate and prior to voting on Item 2, Councillor T Brown departed and returned to the meeting, the time being from 8:48 pm to 8:51 pm.

During debate and prior to voting on Item 2, Councillor Blakey departed and returned to the meeting, the time being from 9:04 pm to 9:07 pm.

## ITEM 2 - PUBLIC EXHIBITION OF DRAFT HOUSING AND AFFORDABLE HOUSING OPTIONS PAPER

**358 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Kershaw seconded Councillor D Brown that -

- 1 The draft Housing and Affordable Housing Options Paper be exhibited for a period of at least two months to enable community and stakeholder input.
- 2 The comments received be used to assist the development of a draft Housing Strategy and draft amendments to planning controls.
- 3 The inclusion in State Environmental Planning Policy No. 70 Affordable Housing continue to be progressed, through the development of an Affordable Housing Contributions Scheme and Development Feasibility Assessment.
- 4 A letter be sent to the Minister for Planning and Public Spaces objecting to the commencement of the Low Rise Medium Density Code, as the data in the draft Housing and Affordable Housing Options Paper demonstrates that this form of development is not required to address housing demand or affordability, and will not lead to good housing or community outcomes. The letter should also note Council's concerns surrounding the lack of consultation to neighbouring properties.
- 5 Prior to exhibition, the Draft Housing and Affordable Housing Options Paper be amended to include the following additional preferred recommendation in Table 6.1:

"5.8: Review the zoning and housing controls to limit housing densities north of Thirroul, having regard to network capacity constraints".

A PROCEDURAL MOTION was MOVED by Councillor Colacino seconded Councillor Figliomeni that Councillor Kershaw be granted an additional one (1) minute to address the meeting in relation to Item 2.

*Variation The variation moved by Councillor Rimmer (the addition of the words "The letter should also note Council's concerns surrounding the lack of consultation to neighbouring properties" in Point 4) was accepted by the mover and seconder.*

## ITEM 3 - POST EXHIBITION - ADOPTION OF CHAPTERS E13 (FLOODPLAIN MANAGEMENT) AND E14 (STORMWATER MANAGEMENT) OF WDCP 2009

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 353)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that -

- 1 The revised Wollongong Development Control Plan 2009, chapters E13: Floodplain Management and E14: Stormwater Management to be adopted and notice of its adoption be published.
- 2 Persons who made submissions be thanked and advised of Council's decision.

#### **ITEM 4 - PUBLIC EXHIBITION OF DRAFT PLAN OF MANAGEMENT FOR STANWELL PARK RESERVE AND BALD HILL**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 353)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that -

- 1 The draft Plan of Management for Stanwell Park and Bald Hill Lookout (Attachment 1) be referred to the NSW Department of Planning, Industry and Environment (DPIE) – Crown Lands as -
  - a one of the landowners, as required by section 39 of the Local Government Act 1993; and
  - b for Ministerial consent to exhibit the draft Plan of Management, as required by section 3.23(7)(d) of the Crown Land Management Act 2018.
- 2 Following the receipt of approval by the Department as landowner and the Minister's consent, the draft Plan of Management be exhibited for a minimum period of 42 days and a public meeting be held, chaired by an independent chairperson.
- 3 A further report be submitted to Council on the results of the public exhibition activities and the issues raised by the submissions and at the public meeting.

#### **DEPARTURE OF COUNCILLOR**

During debate and prior to voting on Item 5, Councillor Colacino departed and returned to the meeting, the time being from 9:13 pm to 9:15 pm.

#### **ITEM 5 - CITIES POWER PARTNERSHIP PLEDGES**

**359 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Cox seconded Councillor D Brown that Council commit to the five pledges identified in this report under the Cities Power Partnership Program.

#### **ITEM 6 - IPART DRAFT FINDINGS - REVIEW OF WEST DAPTO DEVELOPMENT CONTRIBUTIONS PLAN 2020**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 353)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that -

- 1 The IPART draft Report Assessment of draft West Dapto Development Contributions Plan, 2020 be noted.
- 2 Council support staff making a formal public submission in response to the IPART draft report consistent with the advice provided in this report.

## **ITEM 7 - POST EXHIBITION - PROPOSED ROAD NAMING OF FOWLERS ROAD AND RENAMING DAISY BANK DRIVE**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 353)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that -

- 1 Council take action under Section 162 of the Roads Act, 1993 to name the road connecting Fowlers Road at the intersection of Fowlers and Princes Highway Dapto to Fairwater Drive Horsley as "Fowlers Road" and to rename the public road Daisy Bank Drive to "Fowlers Road".
- 2 Upon construction of the Link, (and finalisation of any associated land acquisitions), Council do all things necessary pursuant to the Roads Act, 1993 to dedicate the road corridor as Public Road.

## **ITEM 8 - PROPOSED ACQUISITION OF LOT 1 IN DP 1250945 - PART 145 FOWLERS ROAD, DAPTO - FOWLERS ROAD TO FAIRWATER DRIVE EXTENSION PROJECT**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 353)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that -

- 1 Council acquire proposed Lot 1 DP 1250945, being Part Lot 1 DP 582070 by authority contained within Section 177 of the *Roads Act 1993*, for the purpose of road widening, under the following conditions:
  - a Compensation be paid to the owner in the amount of \$3,220 (GST exclusive)
  - b Council be responsible for all costs including valuation, transfer and legal costs associated with the acquisition of the subject land.
- 2 Upon the acquisition being finalised, the land be dedicated as public road pursuant to Section 10 of the *Roads Act 1993*.
- 3 Council grant authority for the use of the Common Seal of Council on all documents relevant to this matter, should it be required to give effect to this resolution.

## **ITEM 9 - PROPOSED ACQUISITION OF 130 PIONEER ROAD, TOWRADGI UNDER THE VOLUNTARY PURCHASE SCHEME FOR FLOOD AFFECTED PROPERTIES**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 353)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that -

- 1 Council authorise the acquisition of Lot 82 DP 8085, 130 Pioneer Road, Towradgi subject to the following conditions:
  - a the purchase price of \$800,000 (GST free)
  - b each party be responsible for their own legal costs
  - c funding being provided by the NSW Department of Planning Industry and Environment for two-thirds of the purchase price and demolition cost.
- 2 Upon the acquisition being finalised, Lot 82 DP 8085, 130 Pioneer Road, Towradgi be classified as Community Land in accordance with the Local Government Act, 1993.
- 3 Council grant authority for the use of the Common Seal of Council on all documents relevant to this matter, should it be required to give effect to this resolution.



## **ITEM 10 - PROPOSED ACQUISITIONS OF NO. 23 AND NO. 25 BARRINGBAR STREET, DAPTO UNDER THE VOLUNTARY PURCHASE SCHEME FOR FLOOD AFFECTED PROPERTIES**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 353)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that -

- 1 Council authorise the acquisitions of Lot B Sec H DP 160530, No. 23 Burringbar Street, Dapto and Lot 15 Sec H DP 192051, No. 25 Burringbar Street Dapto subject to the following conditions:
  - a The purchase price of 23 Burringbar Street, Dapto of \$480,000 (GST free)
  - b The purchase price of 25 Burringbar Street, Dapto of \$630,000 (GST free)
  - c Each party be responsible for their own legal costs
  - d Funding being provided by the NSW Department of Planning Industry and Environment for two-thirds of the purchase price and demolition cost.
- 2 Upon the acquisition being finalised, Lot B Sec H DP 160530, No. 23 Burringbar Street, Dapto and Lot 15 Sec H DP 192051, No. 25 Burringbar Street, Dapto be classified as Community Land in accordance with the Local Government Act, 1993.
- 3 Council grant authority for the use of the Common Seal of Council on all documents relevant to this matter, should it be required to give effect to this resolution.

## **ITEM 11 - PROPOSED ACQUISITION OF LOT 19 DP 241582 OTFORD ROAD, OTFORD**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 353)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that -

- 1 Council acquire Lot 19 DP 241582, Otford Road, Otford for the agreed purchase price of \$100,000 (GST inclusive). The land is required for passive open space land as per the Land Reservation Acquisition Map in the Wollongong Local Environment Plan 2009.
- 2 Council be responsible for the landowner's reasonable costs associated with the sale under the Land Acquisition (Just Terms Compensation) Act, 1991.
- 3 Upon acquisition the land becomes classified as Community Land.
- 4 Council grant authority for the use of the Common Seal of Council on all documents relevant to this matter, should it be required to give effect to this resolution.

## **ITEM 12 - COUNCILLOR VACANCY - APPLICATION TO MINISTER TO DISPENSE WITH BY-ELECTION**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 353)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that application be made to the Minister for Local Government for an Order that the current vacancy in the office of councillor not be filled.

### **ITEM 13 - TENDER T19/37 - GENERAL MINOR CIVIL WORKS PANEL**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 353)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that -

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of the companies listed in the tables provided for the Minor Civil Works Panel, over the two-year term of the contract (with options of extension for 3 further periods of one year).
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

### **ITEM 14 - JANUARY 2020 FINANCIALS**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 353)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that -

- 1 The financials be received and noted.
- 2 Council approves the proposed changes to the Capital Budget.

### **ITEM 15 - STATEMENT OF INVESTMENT - JANUARY 2020**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 353)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that Council receive the Statement of Investment for January 2020.

### **ITEM 16 - CITY OF WOLLONGONG TRAFFIC COMMITTEE MINUTES OF MEETING HELD 19 FEBRUARY 2020**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 353)

**COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that in accordance with the powers delegated to Council, the Minutes and Recommendations related to Regulation of Traffic, of the City of Wollongong Traffic Committee held on 19 February 2020, be adopted.

### **ITEM C – LORD MAYORAL MINUTE – ARRANGEMENTS FOR COUNCIL BUSINESS**

**360 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that -

- 1 Council delegate until no later than 30 June 2020 to the General Manager and the Lord Mayor or Deputy Lord Mayor the authority to accept tenders or decline tenders under Request for Tender processes if Council cannot convene.
- 2 A report on the exercise of such delegation to be provided to the next Ordinary Meeting of Council.
- 3 The General Manager investigate alternative methods of conducting Council meetings in the event Council cannot convene.

*Variation The variation moved by Councillor D Brown (the addition of the words "until no later than 30 June 2020" in point 1) was accepted by the mover.*

### **URGENT MATTER WITHOUT NOTICE**

Councillor Colacino moved a PROCEDURAL MOTION that an Urgency Item be brought forward in relation to medical access to the northern suburbs of the Illawarra during the proposed road closure at Bald Hill.

Following the Resolution of Council, the Lord Mayor, Councillor Bradbery, ruled in accordance with Clause 9.3(b) of Council's Code of Meeting Practice that the matter was of great urgency and required a decision by the Council before the next scheduled ordinary meeting.

**361 COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor Rimmer that Council consider Business Without Notice regarding medical access to the northern suburbs of the Illawarra during the proposed road closure at Bald Hill.

### **URGENCY ITEM – MEDICAL ACCESS TO THE NORTHERN SUBURBS OF THE ILLAWARRA DURING THE PROPOSED ROAD CLOSURE AT BALD HILL**

**362 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Colacino seconded Councillor Rimmer that –

- 1 Council write to the Hon Brad Hazzard NSW Minister for Health, Lee Evans, the Minister for Police and Emergency Services David Elliot, the Member for Heathcote, Ryan Park the Member for Keira, the Hon Andrew Constance NSW Minister for Roads and Transport for NSW, impressing on them the need for Bald Hill to remain open for emergency services to receive escorted transit up and down Bald Hill during the proposed two month closure.
- 2 Emergency services will not be limited to Police, Ambulance and Fire Fighting Services but will include Doctors, Dentists, Pharmacists and Pathology Services in the exercise of their professional duties.
- 3 The letter will also outline the following:
  - a There are many elderly and inform residents of the Northern Suburbs who are unable to travel to receive their health care or their medication. These people need to be seen when help and assistance is required
  - b The time needed to open Bald Hill, in those times of patient need, have to be clarified ASAP so the ongoing health care for these patients can be fully assessed. There needs to be a very clear and precise timeline so valuable time is not wasted
  - c With the impact of COVID-19 expected to peak in Australia during our winter months the closure of Bald Hill between June and August is notable
  - d Medication is delivered daily to the many residents in The Northern Suburbs from the Pharmacy in Helensburgh. Most Doctors who care for these patients have their rooms in Helensburgh
  - e According to local doctors a 15 to 30 minute time line from first call for assistance to being able to have escort down Bald Hill is the minimum required for optimal care outcomes
  - f We request a response, that can be forwarded to local health practitioners, be supplied before the end of April 2020.

*Variation The variation moved by Councillor Bradbery (the addition of the words “in the exercise of their professional duties” in point 2) was accepted by the mover and seconder.*

*The variation moved by Councillor Rimmer (the addition of the words “the Minister for Police and Emergency Services David Elliot” in point 1) was accepted by the mover and seconder.*

## **THE MEETING CONCLUDED AT 9:26PM**

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Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 6 April 2020.

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Chairperson